

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LUDMYLA SKORYCHENKO,

Plaintiff,

v.

ERNEST F. TOMPKINS,

Defendant.

ORDER

08-cv-626-bbc

On September 28, 2009, Judge Crabb granted plaintiff Ludmyla Skorychenko's motion for summary judgment in this case, finding that there were no genuine issues of material fact that would prevent plaintiff from enforcing the provisions of an I-864 affidavit of support in which defendant Ernest Tompkins agreed to maintain plaintiff at an income of at least 125 percent of the federal poverty guidelines. The parties are currently briefing the issue of damages. Now before the court is a supplemental motion for discovery that defendant filed on July 23, 2009, seeking leave to serve 13 additional interrogatories on plaintiff. Defendant's motion will be denied.

Under Fed. R. Civ. P 26(b)(2)(C) the court must limit the amount of discovery if "the discovery sought is unreasonably cumulative or duplicative" or "the party seeking discovery has had ample opportunity to obtain information by discovery in the action." Defendant has had ample time to gather the information he seeks. Before filing this motion for additional discovery, defendant had four months to conduct discovery and plaintiff cooperated with his requests. He has not offered any explanation for his failure to gather the information he sought. Further, defendant has already served 25 interrogatories on plaintiff and she provided information regarding her wages and assets, submitted a financial disclosure statement and

authorized release of her financial records. Dkt. #37; Dkt. #38, Exh. A-C, E and F. The additional 13 interrogatories defendant proposes seek to discover the same financial information that plaintiff has already disclosed. Thus, they are duplicative and unnecessary. Because I find that defendant has already had ample time to conduct discovery and his additional interrogatories will not provide any new information, I will deny his motion for additional discovery.

ORDER

It is ORDERED that defendant Ernest Tompkins' motion for additional discovery, dkt. #47, is DENIED.

Entered this 9th day of October, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge